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No. 00-799

In the Supreme Court of the United States

THE CITY OF LOS ANGELES,
Petitioner,

v.

ALAMEDA BOOKS, INC. and
HIGHLAND BOOKS, INC.,
Respondents.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

BRIEF OF OHIO AND 24 STATES AS *AMICUS CURIAE* IN SUPPORT OF PETITIONER

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INTEREST OF THE AMICI

Ohio and 24 other *Amici* States write to urge the Court to reverse the judgment of the Ninth Circuit Court of Appeals. At stake is the ability of States and their subdivisions to effectively regulate serious secondary effects—including drops in property values, increases in crime, and general urban blight—associated with adult businesses. *Young v. American Mini-Theatres, Inc.*, 427 U.S. 50, 55 (1976). In reliance on the holdings in *Young* and *City of Renton v. Playtime Theatres*, 475 U.S. 41 (1986), hundreds—perhaps thousands—of local governments have enacted statutes and ordinances restricting adult businesses because of their secondary effects.

The Ninth Circuit Court of Appeals has turned on its head the evidentiary requirement for governments regulating these blighting secondary effects. If upheld, the Ninth Circuit's interpretation will gut any realistic attempt by local government to control the concentration of adult businesses by appropriate time, place and manner restrictions, and put a disproportionate burden on the smallest governments.

The States and their subdivisions have an obvious interest in "attempting to preserve the quality of urban life," by appropriate regulation of businesses that have demonstrated adverse secondary effects. 475 U.S. at 50; 427 U.S. at 71. In particular, the States have an interest in supporting the smallest subdivisions in their ability to regulate the damaging secondary effects of adult entertainment businesses. The *Amici* States therefore submit this brief for the Court's consideration.

SUMMARY OF ARGUMENT

a. The Court in *Nixon v. Shrink Missouri Government PAC*, 528 U.S. 377 (2000), held that the amount of evidence necessary to satisfy heightened scrutiny under the First Amendment "will vary up and down with the novelty and plausibility of the justification raised." The government justification for regulation of protected activity in this case—the adverse secondary effects of adult businesses—is of similar age and pedigree to that supported in *Nixon*.

A large body of evidence undeniably establishes a link between adult businesses and undesirable secondary effects, placing the justification for regulation of adult businesses in the same category as the justification in *Nixon*—"neither novel nor implausible." 528 U.S. at 391. *Renton* correctly—and consistently with *Nixon*—allows reliance on evidence from elsewhere to justify regulation of adult establishments.

The Los Angeles amendment at issue here is a minor variation on the regulations upheld in *Renton* and *Young*, and Los Angeles relied on evidence cited in other cases upholding similar laws, as well as its own study demonstrating the adverse effects of a concentration of adult businesses. No evidence beyond that in the record here is constitutionally necessary to justify the ordinance.

b. Not only are the holdings in *Renton* and *Young* consistent with the Court's First Amendment jurisprudence, but they represent the only realistic approach for small local governments to the "admittedly difficult problem" created by adult entertainment establishments.

Renton allows small governments to rely on evidence of secondary effects from elsewhere to justify

regulation of adult businesses. *Renton* and *Young* also accord considerable deference to local government, which "must be allowed a reasonable opportunity to experiment with solutions to admittedly serious problems." 427 U.S. at 71; 475 U.S. at 52. *Renton* also permits a local government to act preemptively, by regulating before an adult business has been established. 475 U.S. at 52.

Thus, under the *Renton-Young* model, even the smallest local governments can realistically pass laws that are aimed at controlling the blighting secondary effects of adult businesses, and are reasonably tailored to local conditions. Indeed, in reliance on the holdings in *Renton* and *Young*, numerous local governments, including States, municipalities and unincorporated townships have enacted zoning laws similar to the ordinances in *Renton* and *Young*, and each of those local regulations is designed to "preserve[] the character of . . . neighborhoods [and] the quality of urban life." 427 U.S. at 71.

Most small local governments simply cannot afford to conduct their own studies establishing the secondary effects caused by various types of adult business establishments. In addition, local governments frequently need to deal with local problems by tailoring their laws to local conditions.

The Ninth Circuit's holding eviscerates the *Renton-Young* paradigm and forces small governments into "big city" solutions. Even the reliance on other localities' experience is in question because the Ninth Circuit disallowed Los Angeles's reliance on the evidence presented in cases from other circuits, even those upholding laws very similar to the amendment at issue. Because of this, the decision below implies that local governments cannot regulate preemptively.

Most disturbing of all, the ultimate result of the Ninth Circuit's decision may be to drive adult businesses out of large cities that can afford studies and therefore are permitted to pass zoning ordinances, into suburban and rural areas that cannot. Any exodus of adult businesses into small towns will increase political pressure on States to solve a quintessentially local problem on a state-wide basis.

ARGUMENT

A. The Evidence In The Record Presented Here Goes Well Beyond What is Constitutionally Necessary To Satisfy Heightened First Amendment Scrutiny.

Just two terms ago, in *Nixon v. Shrink Missouri Government PAC*, 528 U.S. 377 (2000), the Court held that the amount of evidence necessary to satisfy heightened scrutiny under the First Amendment "will vary up and down with the novelty and plausibility of the justification raised." 528 U.S. at 391. In *Nixon*, the justification for regulation of campaign contributions was that first articulated in *Buckley v. Valeo*, 424 U.S. 1 (1976), and now well-recognized—the prevention of corruption and the appearance of corruption. Because the justification is by now so well-documented, the Court looked only to see that "the substantiation of the congressional concerns reflected in *Buckley* [had] its counterpart supporting the Missouri law," 528 U.S. at 393-95. However, the Court found that the Missouri law was well-supported, and did not "requir[e] further definition of" the State's evidentiary burden. *Id.*

The government justification for regulation of protected activity in this case—the secondary effects of adult businesses first supported in *Young*—is of virtually identical vintage and pedigree to that supported in

Buckley and *Nixon*. Indeed, there is hardly a proposition more familiar and more well-documented than that adult businesses engender undesirable secondary effects and therefore justify zoning regulations.

Aside from the evidence referred to in *Renton* and *Young*, a number of cases cite studies and other evidence that undeniably establish a link between adult businesses and undesirable secondary effects. In particular, *Buzzetti v. City of New York*, 140 F.3d 134 (2nd Cir. 1998), and *ILQ Investments, Inc. v. City of Rochester*, 25 F.3d 1413 (8th Cir. 1994), catalog numerous studies that unquestionably demonstrate the link between adult businesses and undesirable secondary effects. The Eighth Circuit went so far as to hold that regulations aimed at minimizing secondary effects of adult businesses serve a substantial governmental interest "as a matter of settled law." *Excalibur Group, Inc. v. City of Minneapolis*, 116 F.3d 1216, 1220 (8th Cir. 1997). *See also FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215, 236-37 (1990); *Thames Enterprises, Inc. v. City of St. Louis*, 851 F.2d 199 (8th Cir. 1988); *Z.J. Gifts D-2 L.L.C. v. City of Aurora*, 136 F.3d 683 (10th Cir. 1998).

In short, as was true of the justifications for the campaign regulations in *Nixon*, the justifications for the adult business restrictions here are "neither novel nor implausible." 528 U.S. at 391. Although the *Nixon* Court found it unnecessary to define the minimal "quantum of evidence" needed to support the regulations in that case, a law that restricts adult entertainment establishments surely requires minimal evidentiary support beyond the substantial body of case law and studies demonstrating the link between adult businesses and adverse secondary effects.

Renton correctly—and consistently with *Nixon*[1]—allows reliance on evidence from elsewhere to justify regulation of adult establishments. In *Renton*, the Court allowed a small Washington municipality to rely on a study of the adverse "secondary effects" of adult businesses in Seattle, and a Washington Supreme Court case describing Seattle's experience with adult businesses. 475 U.S. at 50-51 (citing *Northend Cinema v. Seattle*, 90 Wash.2d 709 (1978)). Especially significant, the *Renton* Court held that local governments need not "conduct new studies or produce evidence independent of that already generated by other cities, so long as whatever evidence the city relies upon is reasonably believed to be relevant to the problem that the city addresses." 475 U.S. at 51-52. In addition, the Court held in both *Young* and *Renton* that "the City must be allowed a reasonable opportunity to experiment with solutions to admittedly serious problems." 427 U.S. at 71; 475 U.S. at 52.

The Los Angeles amendment at issue here is a minor variation on the regulations upheld in *Renton* and *Young*. It is supported not only by the body of case law referred to above, but also by the City's own extensive study, which formed the basis for the original ordinance. Indeed, the amendment merely furthers the primary intention of the original ordinance—prevention of the concentration of adult establishments.

In addition, Los Angeles relied on cases from other jurisdictions with similar laws. For instance, in *Hart Book Stores, Inc. v. Edmisten*, 612 F.2d 821 (4th Cir. 1979), the Fourth Circuit upheld a state law "almost identical to

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[1] *Nixon* has been characterized as "consistent with the approach earlier applied in *Young* [] and *Renton* []." *City of Erie v. Pap's A.M.*, 529 U.S. 277, 312 (2000) (Souter, J., concurring in part and dissenting in part).

the Los Angeles ordinance." Pet. App. at 19. In addition, the Eighth Circuit in *ILQ Investments, Inc. v. City of Rochester*, 25 F.3d 1413 (8th Cir. 1994), upheld a similar law.

Respondent's argument that the amendment is really aimed at preventing a single business from offering multiple services is a distinction without a difference. Taken to its logical conclusion, Respondent's reasoning would permit the creation of adult "department stores" with numerous adult services provided under the same large roof, all operated as a single "business." This allows exactly what the ordinance is designed to prevent, and exactly what the 1977 study and other studies have demonstrated brings adverse effects: the concentration of several adult entertainment establishments in a small area, whether they comprise one business entity or many.

In short, no evidence beyond that in the record here is constitutionally necessary to justify the ordinance, and it should be upheld for that reason alone.

B. The Evidentiary Burden Established By *Renton* and *Young* Is The Only Realistic Approach For Small Local Governments When Regulating The Adverse Secondary Effects Of Adult Businesses.

Not only are the holdings in *Renton* and *Young* consistent with the Court's First Amendment jurisprudence, but they represent the only realistic approach for small local governments to the "admittedly difficult problems" created by adult entertainment establishments. 475 U.S. at 54; 427 U.S. at 71. Numerous small governments have reasonably passed laws in reliance on the *Renton-Young* scheme, and it should be preserved.

As explained above, *Renton* allows small governments to rely on evidence of secondary effects from elsewhere to justify regulation of adult businesses. Perhaps even more significantly, both *Renton* and *Young* hold that considerable deference will be accorded a local government as to the exact remedy employed. 427 U.S. at 71; 475 U.S. at 52.

And *Renton* also implies that governments may regulate preemptively. The *Renton* Court upheld the ordinance at issue there even though the City did "not, at the present time, have any business whose primary purpose [was] the sale, rental or showing of sexually explicit materials." 475 U.S. at 52.

Thus, under the *Renton-Young* model, even the smallest local governments can realistically pass laws that are aimed at controlling the blighting secondary effects of adult businesses, and are reasonably tailored to local conditions. By relying on studies and other evidence from elsewhere about the adverse secondary effects of those businesses, and by developing reasonable local solutions, even a small municipality can pass an effective but constitutional adult business zoning ordinance, and can do so before the businesses move in.

In reliance on the holdings in *Renton* and *Young*, hundreds—perhaps thousands—of local governments, including States, large and small municipalities and even unincorporated townships have enacted a variety of laws intended to regulate adult businesses to "preserve[] the character of . . . neighborhoods," and "preserve the quality of urban life." 427 U.S. at 71.

Although usually considered an exclusively local or municipal problem, a significant number of States have enacted either laws zoning adult businesses directly, or permitting political subdivisions to do so. For instance,

Delaware has a comprehensive, State-wide statute that regulates adult businesses, including zoning. Del. Code Ann. tit. 24 §§1601-1635 (Delaware Adult Entertainment Establishments Act). Other States allow their subdivisions to pass such laws. *See, e.g.*, Arizona Rev. Stat. Ann. tit. 11 § 11-821 (B)(5). A list of similar State statutes is provided in the Appendix.

However, the regulation of adult businesses still remains largely a local concern. The Appendix contains a non-exhaustive sampling of ordinances zoning adult businesses from numerous cities, towns, boroughs, counties and other large and small local governments.

Many cities and small villages have passed zoning laws similar to the ordinances at issue in *Renton* and *Young*. Most of these small local governments simply cannot afford to conduct their own studies establishing the secondary effects caused by various types of adult business establishments. By practical necessity, they must be allowed to rely largely on studies performed elsewhere to support their laws.

In addition, local governments frequently need to deal with local problems by tailoring their laws to local conditions. The best-known example of this is the one discussed in *Renton* itself, where the Court explained that some localities "may regulate adult theaters by dispersing them, as in Detroit, or by effectively concentrating them, as in Renton." 475 U.S. at 52. And, as in *Renton*, local governments may want to act preemptively, by enacting zoning laws before adult businesses appear.

The Ninth Circuit's holding eviscerates the *Renton-Young* paradigm and throws into doubt zoning laws all over the country. The Ninth Circuit unrealistically requires, not just evidence "reasonably believed to be relevant to the problem," but precise

evidence that the specific types of adult businesses sought to be regulated directly cause unwanted secondary effects. Pet. App. at 14-16. Thus, rather than relying on the well-documented general proposition that adult businesses create undesirable secondary effects, even the smallest municipality will have to independently justify the regulation of each specific type of adult business listed in its code. The Ninth Circuit regime is difficult enough for Los Angeles, which will have to pay for another expensive study. If followed here, that same approach will make it nearly impossible for small municipalities to pass appropriate laws.

Even liberally construed, the decision below forces small governments into "big city" solutions, no matter how inappropriate. A small town would have to adopt the exact solution chosen by some other locality that was able to pay for an exacting study of the adverse effects caused by specific adult businesses—inevitably a big city.

Indeed, even the reliance on other localities' experience is in question under the Ninth Circuit's approach. The Ninth Circuit did not allow Los Angeles to rely on the evidence presented in cases from other circuits, even those that upheld similar laws. Most notably, the court below rejected the evidence presented in *Hart Book Stores,* which upheld a state law "almost identical to the Los Angeles ordinance," and *ILQ Investments,* which likewise upheld a similar law. Pet. App. at 18, 19-20.

Because reliance on evidence from other localities is questionable, the Ninth Circuit decision prevents preemptive zoning. Before they can regulate, small governments will have to allow particular adult businesses to establish themselves, in order to study them and determine whether they engender adverse secondary effects. And, once allowed, such businesses might have to

be "grandfathered" in under any zoning law ultimately passed. *See, e.g.* Ohio Revised Code §713.15 (Retroactive Zoning Ordinances Prohibited).

Most disturbing of all, the ultimate result of the Ninth Circuit's scheme may be to drive adult businesses out of large cities that can afford studies and therefore are permitted to pass zoning ordinances, into suburban and rural areas that cannot. Without the regime established by *Renton* and *Young*, small local governments may be helpless to control the secondary effects of concentrations of adult businesses.

Any exodus of adult businesses into small towns will increase political pressure on States to solve a quintessentially local problem on a state-wide basis. State governments that have previously decided to allow localities to control zoning may feel pressure to pass state-wide legislation. Or States may be called on to provide financial support for conducting numerous costly studies so their political subdivisions can justify various zoning ordinances.

In short, the Ninth Circuit scheme may inappropriately and unnecessarily force some States to shoulder the burden of studying and regulating a local problem, thus diverting funds from other vital State interests.

CONCLUSION

For the foregoing reasons, the *Amici* States respectfully urge the Court to reverse the judgment of the court of appeals.

Respectfully submitted,

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ADULT BUSINESS ZONING LAWS

State-Wide Laws

Alabama

Ala. Code 1975 § 13A-12-200.5 (Material harmful to minors)

Arizona

A.R.S. §11-821 (County plan)

Delaware

24 Del. C. §§ 1602, 1610 (Adult Entertainment Establishments; License tied to physical location)

Georgia

O.C.G.A §36-60-3 (Restriction of adult bookstores and movie houses to certain areas)

Illinois

55 ILCS 5/5-1097.5; 65 ILCS 5/11-5-1.5 (adult entertainment facility)

Nevada

NRS 278.022 and 278.0222 (Restriction of adult motion picture theaters and bookstores)

New Jersey

N.J.S.A. 2C:34-7 (Sexually oriented businesses; restrictions on location and display of signs)

Ohio

O.R.C. 503.53 (Townships – Duty to obtain permit – prohibitions (adult cabarets))

Oklahoma

11 Okl. St. § 22-109.1 (Location of adult novelty shops)

Large Cities (by State)

Alabama

Mobile (Chpt. 64, Zoning, Section 64.4, Supp. Regs.)

Arizona

Tuscon (Part II, Chpt. 7, Businesses Regulated, Art. X, Adult Entertainment Enterprises and Establishments, Section 7-211)
Yuma (Section 154-005, Adult Oriented Businesses)

Florida

Jacksonville (Chpt. 150 Adult Entertainment, Chpt. 656 Zoning Code)

Orlando (58.700 Adult Entertainment Facilities, Purpose of regulation 58.702 Dispersal of Facilities)

Tampa (27-523 Zoning-Definitions)

Indiana

Indianapolis (Municipal Code Section 732-216, Special Regulations, Adult Entertainment Business)

Kentucky

Covington (Section 158.106, Covington Zoning Code)

Louisiana

New Orleans (Art. I, Gen. Provisions, Section 1.10, Adult Establishments)

Maryland

Hagerstown (Part II, General Legislation, Chpt. 68, Zoning, Art. I, Regs. and Restrictions, Section 68-17.C2, District)

Mississippi

Jackson (Zoning Ordinance of the City of Jackson, Sections 202 and 802.01.1-8, 802.01.2-2.)

Vicksburg (Ordinance 93-37, Part I, Zoning).

Minnesota

Bloomington (Art. VIII, Anti-Blight Regulations, sec. 19.84, Zoning Regulations)

Minneapolis (Title 20, Zoning Code, sec. 549.350, Sexually Oriented Uses)

Nevada

Reno (City Ordinance Nos. 1806.300 and 1806.304)

New Mexico

Albuquerque (Section 14-16-2-22, Special Use Zone)

Nevada

North Las Vegas (Title 17, Zoning, Chapter 17,24, General Building and Development Standards, Section 17.24.190, Sexually Oriented Businesses)

Ohio

Columbus (Title 33, Zoning Code, Chpt. 3389, Special Permit Uses, Section 2289.10, Adult Entertainment)

Tennessee

Nashville (Title 17, Zoning, Chpt. 17.36, Overlay Districts, Section 17.36.260, Locational Standards)

Texas

El Paso (Title 20, Zoning, Chpt. 20.08, General Design and Use Regulations, Section 20.08.080, Adult Businesses)

Utah

South Salt Lake City (Title 5, Business Taxes, Licenses and Regulations, Chpt. 5.56, Sexually Oriented Businesses, Section 5.56.060, Zoning).

Wisconsin

Franklin (Unified Development Ordinance, May 1995)

Hudson (Part II, General Legislation, Chpt. 200, Sexually Oriented Businesses, Section 200-2, Findings)

West Allis (Chapter IX, Business and Occupations, 9.28, Adult Oriented Establishments)

Towns, Townships and Counties (by State)

Arizona

Cave Creek (Section 154.058, Adult Uses)

California

Bakersfield (Title 17, Zoning, Chpt. 17.69, Adult Entertainment Businesses, Section 17.69.040, Separation and Distance Requirements)

Bellflower (Chpt. 19, Zoning Regs, Section 19-10, C-G, General Commercial Districts)

Brentwood (Title 17, Zoning, Chpt. 17.690, Adult Entertainment, Section 17.690.004 Regs.)

Carlsbad (Title 21, Zoning, Chpt. 21.43, Adult Entertainment, Section 21.43.060, Minimum Spacing Requirement)

Carpinteria (Title 14, Zoning, Chpt. 14.20 CPD Commercial Planned Development District, Section 14.20.070, Non-concentration of Certain Uses)

Colorado

Basalt (Chpt. 16, Zoning, Art. IX, Supplementary Regs., Section 16-188, Adult Entertainment Uses and Establishments)

Commercial City (Chpt. 21, Zoning, Art. II, Supplementary Regs., Section 21-39, Adult Entertainment Uses)

Connecticut

Farmington (Part II, General Legislation, Chpt. 73, Adult-oriented Establishments, Section 73-2, Definitions)

Wethersfield (Part I, Administrative Legislation, Chapter 46, Adult-oriented Establishments, Section 46-3, Operating Requirements)

West Hartford (Part II, General Legislation, Chapter 177, Zoning. Article IX, Adult-oriented Businesses, Section 177-70, Operating Requirements)

Delaware

New Castle County (Part II, Chpt. 40, Unified Development Code, Art. III, Use Regulations, Section 40.03.313, Adult Uses)

Dover (Code of Ordinances, Appendix B, City of Dover, Delaware Zoning Ordinance, Art. V, Supplementary Regulations, Section 13, Adult Entertainment Establishment)

Kent County (Part II, General Legislation, Chpt. 205, Zoning, Art. XXI, Conditional Uses, Section 205-252, Adult Entertainment Establishments)

Wilmington (Part II, Chpt. 48, Zoning, Art. II, Administration and Enforcement, Division 1, Generally, Section 48-38(3), Nonconforming Uses and Buildings)

Florida

Brevard County (Adult entertainment Code sec. 62-4901, Location restrictions 62-4916)

Broward County (Adult Entertainment Code 20-361)

Miami-Dade County (Chap. 33 Zoning Art. XXVII Liberal Business District)

Georgia

Conyers City (Title 9, Licensing and Regulations, Chpt. 10, Adult Entertainment Establishments, Section 9-10-7, Distance Requirements for Location)

Roswell (Article 4.1, Adult Businesses, General, Section 4.1.7, Location)

Hawaii

Maui County (Title 19, Zoning, Chpt. 19.85, Adult Entertainment Activity, Section 19.85.030, Adult Entertainment)

Idaho

Idaho Falls (Section 4-16-5, Location of Sexually Oriented Businesses)

Illinois

Coal City (Section 156.054, Adult Uses)

Danville (Section 127.03, Limitation on Adult Uses)

Riverdale (Section 17.13.3, Location)

Indiana

Aurora (Section 152.172, Location of Sexually Oriented Businesses)

La Porte (Municipal Code Division 5. Adult Entertainment Business Section 82-116 & 82-117)

Muncie (Zoning Code Section 150.28, Adult Entertainment Business)

Vincennes (Section 118.11, Location Restrictions)

Iowa

Decorah (Title 17, Zoning, Chpt. 17.108 M-I, Industrial Park District, Section 17.108.080, Special Requirements)

Kentucky

Hopkinsville (Section 119.07, Location)

Maryland

Montgomery County (Section 59-A-6.16, Adult Entertainment Business)

Massachusetts

Franklin (Part II, General Legislation, Chpt. 185, Zoning, Art. V, Special Regs., Section 185-47, Adult Entertainment Establishments)

Minnesota

Albert Lea (Ch. 74, Zoning, sec. 74-27, Sexually Oriented Businesses)

Cottage Grove (Title 11, Zoning, Ch. 5, Adult Uses, sec. 11-5-8, Conditions of License)

Owatonna (Ch. 10, Nuisances Defined and Regulated, sec. 1095:00, Adult Establishments)

Missouri

Perryville (Title 5, Business Licenses and Regs., Chpt. 5.08, Adult Entertainment Establishments, Section 5.08.040, Location and Spatial Separation Requirements)

Nevada

Boulder City (Section 11-13-5 (K)(1), All Adult Uses and Businesses, Separations)

New Hampshire

Hillsborough (Part II, General Legislation, Chpt. 229, Zoning, Art. XI, Sexually Oriented Businesses, Section 229-69, Definitions)

New Jersey

Madison (Part II, General Legislation, Chpt. 195, Land Development, Article V, Zoning, Section 195-34, Conditional Use)

Mount Olive (Part IV, Land Use Procedures, Chpt. 400, Land Use, Art. VI, Zoning, Section 4400-79, Adult Entertainment)

Blairstown (Part I, Administrative Legislation, Chpt. 19, Land Development, Art. 19,600 Conditional Uses and Special Provisions, Section 19-601, Conditional Uses)

Coatesville (Part II, General Legislation, Chpt. 224, Zoning, Art. XII, Supplemental Use Requirements, Section 224-60, Principal Use Structures)

Dover (Part II, General Legislation, Chpt. 236, Land Use and Development, Art. IV, Zoning, Section 236-40, Conditional Use Permits)

Stafford (Code of the Township of Stafford, New Jersey, v. 10, Part II, General Legislation, Chpt. 176, Sexually Oriented Businesses, Section 176-2, Definitions)

South Orange Village (Code of the Township of South Orange Village, New Jersey, v. 32, Part II, General Legislation, Chpt. 92, Land Development, Part 13, Zoning. Article XXXVII, Conditional Uses, Section 92-216.2, Adult Entertainment/ Retail Establishments)

New York

Malta Town (Part II, General Legislation, Chpt. 167, Zoning. Art. XIII, Adult Uses, Section 167-54)

Mamaroneck (Part II, General Legislation, Chpt. 342, Zoning, Art. XVI, Adult Use)

Mount Kisco (Part II., General Legislation, Chpt. 110, Zoning, Art. V, Supplementary Regs., Section 110-30)

Akron (Part II, General Legislation, Chpt. 165, Zoning, Art. IX, Adult Uses, Section 165-46, Definitions)

Yorktown (Part II, General Legislation, Chpt. 300, Zoning, Art. VII, Permitted Special Uses, Section 300-81, Adult Entertainment Use)

Washingtonville (Part II, General Legislation, Chpt. 175, Zoning, Article XX, Zoning Board of Appeals, Section 175-126, Special Exception Uses)

Union (Code of the Town of Union New York, v 118, Chapter 42, Zoning, Article VI, Supplementary Use and Bulk Requirements, Section 42-23, Supplementary Use Regulations for Nonresidential Districts)

Tonawanda (Part II, General Legislation, Chpt. 215, Zoning, Art. XV, Adult Uses, Section 215-97, Definitions)

Tarrytown (Code of the Village of Tarrytown, New York, v. 41, Part II, General Legislation, Chpt. 305, Zoning, Article IV, Regulations Applicable to Specific Districts, Section 305-30.2, Adult Entertainment Uses)

Salina (Code of the Town of Salina, New York, V. 5, Part II General Legislation, Chpt. 235, Zoning, Article V, Site Plan and Special Permit Regulations, Section 235-43, Special Criteria for Adult Uses and Gasoline Service Facilities)

Queensbury (Code of the Town of Queensbury New York, V. 56, Part II, General Legislation, Chpt. 43, Adult Entertainment Uses)

Pennsylvania

Marple (Part II, General Legislation, Chpt. 300, Art. VI, Industrial Districts, Section 300-44, General Provisions)

Monroeville (Part II, General Legislation, Chpt. 359, Zoning, Art. VII, Sexually Oriented Businesses, Section 359)

Concord (Part. II, General Legislation, Chpt. 70, Adult Entertainment, Art. IV, Adult Entertainment Businesses, Section 70-12, License Required)

East Goshen (Part. II, General Legislation, Chpt. 240, Zoning, Art. V, Supplementary Regs., Section 240-31, Conditional Uses)

Upper Merion (Code of Upper Merion Township Penn., Part II, General Legislation, Chpt. 165, Zoning, Article XXXVIII, Sexually Oriented Businesses, Section 165-276, Location of Establishment)

Tobyhanna (Code of Tobyhanna Penn., v4, Part II, General Legislation, Chpt. 155, Zoning, Art. IX, Commercial /Industrial District, Section 155-17, CI Commercial/Industrial District)

Springfield (Land Use Regulations, Chpt. 143, Zoning, Art. IX, E Business District, Section 143-53, Use Regulations)

Sayre (Part II, General Legislation, Chpt. 45, Adult Entertainment, Section 45-3, Regulated Uses)

Rostraver (Code of the Township of Rostraver, Penn., v.2, Part II, General Legislation, Chpt. 195, Zoning, Art. XV, I-3 Mixed Industrial-Services District, Section 195-49, Conditional Use Provision)

South Carolina

Edgefield County (Section 152.048, Sexually Oriented Businesses)

Mount Pleasant (Section 156.091, Light Industrial District)

Utah

Midvale (Title 5, Business Taxes, Licenses and Regulations, Chapter 5.56, Sexually Oriented Businesses, Section 5.56.230, Nude/Seminude Entertainment Businesses - - Locations Restriction)

Washington

Camas (Title 18, Zoning, Section 18.78.020, Locational Requirements)

Thurston County (Title 21, Lacey Urban Growth Area Zoning, Chapter 21.67, Adult Entertainment Facilities, Section 21.67.030, Adult Entertainment Facilities Permitted in Certain Land Use Zones Subject to Certain Restrictions and Standards)

Union Gap (Title 17, Zoning, Chapter 17.48, General District Regulations, Section 17.48.240, Adult Entertainment Business)

Wisconsin

Elm Grove (Part II, General Legislation, Chpt. 87, Adult-oriented Establishments, Section 87-011, Revocation of Permit or License)

Ledgeview (Chpt. 135, Zoning, Art. IV, Gen. Provisions, Section 135-18, Sexually Oriented Adult Entertainment Establishments)